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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,494	01/22/2002	Thomas Holzel	HOLZ-102	4746

7590 07/21/2003
Robert K. Tendler
65 Atlantic Avenue
Boston, MA 02110

EXAMINER

BENSON, WALTER

ART UNIT PAPER NUMBER

2858

DATE MAILED: 07/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
10/054,494

Applicant(s)
Thomas Holzel

Examiner
Walter Benson

Art Unit
2858



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

1. Claims 1-6 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Gibson et al. (US Patent No. 5,705,936 and Gibson hereinafter).

4. As to claim 1, Gibson discloses a system for permitting accurate probing of an area with a probe so as to permit viewing of the results of the probing without diverting one's gaze, comprising:

a test instrument [Fig. 2];

a probe having a tip and coupled to said test instrument, said probe adapted to access a predetermined point on a test piece (col. 4, lines 22-24);

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a remote viewing display coupled to said test instrument and mounted at said probe such that said display is within the field of view of an individual holding said probe and looking at the tip thereof, the tip of said probe and said display being viewable by said individual without averting the eyes of said individual; whereby said individual can be apprised of the results of probing by said probe without having to take his eyes off the tip of said probe (col. 4, lines 26-34).

5. As to claim 2, Gibson discloses a system for permitting accurate probing of an area with a probe so as to permit viewing of the results of the probing without diverting one's gaze, comprising:

where the display is mounted to the probe (Fig. 3; col. 4, lines 36-38).

6. As to claim 3, Gibson discloses a system for permitting accurate probing of an area with a probe so as to permit viewing of the results of the probing without diverting one's gaze, comprising:

where the probe probes electrical signals (col. 4, lines 41-44).

7. Claim 6 is rejected under 35 U.S.C. 102(b) as being anticipated by Jamar et al. (US Patent 6,583,796 B2 and Jamar hereinafter).

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8. As to claim 6, Jamar discloses a method for conveniently viewing the results of an area probed by a probe connected to a test instrument, comprising:

providing a remote viewing display at said probe (col. 7, lines 14-26);

coupling the display to the test instrument, whereby probing results can be viewed while maintaining the probe tip in place (col. 9, lines 56-63).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibson in view of Jamar.

Although the apparatus and method disclosed by Gibson shows substantial features of the claimed invention (discussed above), it fails to disclose:

where the remote viewing display is carried out by the test instrument and removable therefrom to be placed at the probe [claim 4];

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including a wireless transmitter for transmitting probe results from the test instrument to the display [claim 5].

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Gibson , as evidenced by Jamar.

In an analogous art, Jamar discloses a method and apparatus for displaying information from a test probe having:

where the remote viewing display is carried out by the test instrument and removable therefrom to be placed at the probe [claim 4] (col. 8, lines 31-35) to provide visual display of graphics and/or data under the control of test instrument;

including a wireless transmitter for transmitting probe results from the test instrument to the display [claim 5] (col. 4, lines 34-39) to receive and display data received from the probe. Given the teaching of Jamar, a person having ordinary skill in the art at the time the invention was made would have readily recognized the desirability and advantages of modifying Gibson by employing the well known or conventional features of remote display technology, such as disclosed by Jamar to provide a method and apparatus for controllably displaying information retrieved from the test probe.

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Prior Art Made of Record

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Ferek-Petric (US Patent No. 6,473,638 B2) discloses a interactive graphical interface to display probe information.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter Benson whose telephone number is (703) 306-4525. The examiner can normally be reached on Monday to Thursday and alternate Fridays from 6:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, N. Le, can be reached on (703) 308-0750. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 872-9318); Before-Final or (703) 872-9319; After-Final.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3800.

Walter Benson *WB*
Patent Examiner
July 11, 2003

Jay Patidar
JAY PATIDAR
PRIMARY EXAMINER